

STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING ADDITIONAL POINTS OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8788 submitted by

J. FRANK SCHMIDT AND SON CO.  
P.O. BOX 189  
BORING, OREGON 97009.

The permit to be modified is Permit G-13860 with a date of priority of OCTOBER 5, 1999. The permit allows the use of NEW WELL BF3 AND NEW WELL BF4, in the BEAR CREEK BASIN, for NURSERY OPERATIONS ON 136.0 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 1.7 cubic feet per second, if available at the original wells; SW $\frac{1}{4}$  NE $\frac{1}{4}$ , NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 19, T 4 S, R 1 E, W.M.; NEW WELL BF3 - 1350 FEET SOUTH AND 1900 FEET WEST, NEW WELL BF4 - 2680 FEET SOUTH AND 1350 FEET WEST; BOTH FROM THE NE CORNER OF SECTION 19, or its equivalent in case of rotation, measured at the well.

The amount of water used for NURSERY OPERATIONS is limited to a diversion of 0.15 cubic foot per second per acre. For the irrigation of **containerized nursery plants**, the amount of water diverted is limited to ONE-FORTIETH of one cubic foot per second (or its equivalent) and 5.0 acre feet per acre per year. For the

**This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).**

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

irrigation of **in ground nursery plants**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre per year. The use of water for NURSERY OPERATIONS may be made at any time, during the period of allowed use specified above, that the use is beneficial. For the irrigation of **any other crop**, the amount of water diverted is limited to ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre feet per acre during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

NE $\frac{1}{4}$  SE $\frac{1}{4}$  19.4 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  8.9 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  7.4 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  10.7 ACRES  
SECTION 18

NW $\frac{1}{4}$  NE $\frac{1}{4}$  7.7 ACRES  
SW $\frac{1}{4}$  NE $\frac{1}{4}$  4.0 ACRES  
NE $\frac{1}{4}$  NW $\frac{1}{4}$  30.0 ACRES  
SE $\frac{1}{4}$  NW $\frac{1}{4}$  10.4 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  22.7 ACRES  
NW $\frac{1}{4}$  SE $\frac{1}{4}$  11.8 ACRES  
SW $\frac{1}{4}$  SE $\frac{1}{4}$  3.0 ACRES  
SECTION 19

TOWNSHIP 4 SOUTH, RANGE 1 EAST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes additional points of appropriation located:

NEW WELL BF5 - NE $\frac{1}{4}$  NW $\frac{1}{4}$ , SECTION 19, T 4 S, R 1 E, W.M.;  
1200 FEET SOUTH AND 3920 FEET WEST FROM THE NE CORNER OF SECTION 19.

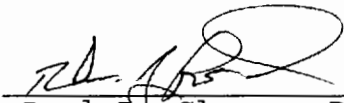
NEW WELL BF6 - NW $\frac{1}{4}$  SE $\frac{1}{4}$ , SECTION 18, T 4 S, R 1 E, W.M.;  
1500 FEET NORTH AND 2160 FEET WEST FROM THE NE CORNER OF SECTION 19.

THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new points of appropriation (wells), together with that diverted at the old points of appropriation, shall not exceed the quantity of water lawfully available at the original points of appropriation.
2. The water user shall install and maintain headgates, in-line flow meters, weirs, or other suitable devices for measuring and recording the quantity of water diverted. The type and plans of the headgates and measuring devices must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original points of appropriation.
4. All other terms and conditions of the permit remain the same.

Permit G-13860, in the name of J. FRANK SCHMIDT AND SON CO. is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed FEB 25 2002.

  
Paul R. Cleary, Director